

72048-1

72048-1

NO. 72048-1-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

SEAN PATAYSINGH,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR SNOHOMISH COUNTY

The Honorable Michael T. Downes, Judge

BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

1. Appellant was denied his right to a unanimous jury verdict.
2. The trial erred in failing to instruct the jury it had to be unanimous as to which of two acts constituted the charged offense.

Issues Pertaining to Assignments of Error

The State charged appellant with first degree assault, claiming he wielded a deadly weapon with an intent to inflict great bodily injury.

In a recorded post-arrest statement to police, appellant gave several versions of events, at least a couple of which warranted a self defense instruction. At trial, the State presented appellant's recorded statement along with evidence that appellant assaulted the complaining witness with both a knife and a cane.

1. Where the jury could have relied on evidence of either the knife or the cane to convict appellant, yet was never instructed it had to be unanimous as to which act constituted the first degree assault, was appellant denied his right to a unanimous jury verdict?

2. When there are two separate acts upon which a jury could rely on to convict appellant, was it error for the trial court not to instruct the jury it must be unanimous as to which act it was relying on to convict?

3. Where the jury could have found appellant's use of the knife was in justifiable self-defense, but later use of the cane was not, is

the continuing-course-of-conduct exception to the unanimity instruction requirement inapplicable?¹

B. STATEMENT OF THE CASE

1. Procedural Facts

On January 17, 2014, the State charged appellant Sean Pataysingh with first degree assault, a "Class A" felony. CP 74-75; RCW 9A.36.011(1)(a),² (2). The State alleged that on December 29, 2013, Pataysingh assaulted Luke Oakland outside a Lynnwood restaurant. CP 70-71. An amended information adding a "deadly weapon" sentence enhancing allegation was filed April 18, 2014. CP 68-69; RCW 9.94A.533(4)³; RCW 9.94A.825.⁴

¹ This appears to be an issue of first impression.

² RCW 9A.36.011(1)(a) provides: "A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm[.], . . . [a]ssaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death[.]"

³ Under RCW 9.94A.533(4), a finding that the accused was armed with a deadly weapon, other than a gun, during the commission of a Class A felony shall have two years added to their sentence.

⁴ RCW 9.94A.825 sets forth who makes the deadly weapon finding (the judge in a bench trial and the jury in a jury trial), and provides a definition for what constitutes a "deadly weapon."

A CrR 3.5 hearing was held April 18, 2014, to determine the admissibility of Pataysingh post-arrest statements to police. 1RP 3-27.⁵ Those statements were deemed admissible. CP 64-67; 1RP 25-27.

A jury trial was held May 12-13, 2014, before the Honorable Michael T. Downes. 2RP 2-228. Pataysingh was found guilty as charged. CP 29-30; 2RP 229-32. On May 15, 2014, the court imposed a high-end standard range sentence of 147 months, plus 24 months for the "deadly weapon" enhancement, for a total sentence length of 171 months or 14.25 years. CP 13-23; 2RP 257. Pataysingh appeals. CP 1-12.

2. Substantive Facts

a. Trial Testimony

On the afternoon of December 29, 2013, several patrons of the Taster Wok restaurant in Lynnwood gathered to watch the Seahawk's game on television, including Craig Leake, Robert Lloyd, Chad Tilley and complaining witness Luke Oakland. 2RP 53-54, 71, 91, 105. According to Oakland, a 43-year old landscaper, he consumed only "about four" "Jack Daniels and Coca-Cola" drinks that afternoon, although he admitted his blood-alcohol level indicated he had consumed more. 2RP 71, 81-82.

⁵ There are four volumes of verbatim report of proceedings referenced as follows: 1RP - April 18, 2014; and 2RP - three-volume, consecutively paginated set for the dates of May 12, 13 & 15, 2014.

In addition to alcohol, Oakland also uses marijuana, and claims his friend Leake is aware of that. Oakland denied, however, using any marijuana the day of the incident. 2RP 84. He also denied asking Leake to "cover anything up or gloss anything over" when he testified at Pataysingh's trial. 2RP 84.

According to Oakland, he and Leake were sitting at the restaurant bar along with Lloyd when Pataysingh, dressed in a suit and hat and carrying a cane, came into the bar, made eye contact with Oakland, said hello, and then mingled with others in the establishment. 2RP 72-74.

Oakland testified Leake went outside to smoke a cigarette after the game, and despite having spent the afternoon watching the game with Leake, Oakland claimed "I hadn't seen him for awhile, so I went out to talk to him outside." Oakland testified that when he got outside Leake was talking on his cell phone. 2RP 74.

Oakland claimed that as he waited for Leake to get off the phone, Pataysingh approached him and asked if he had any money. When Oakland replied, "No, I don't have any money[,]" Pataysingh "escalated into, Where is my money? Where is my F'ing money?" and then stabbed Oakland in the chest. 2RP 76-77. According to Oakland, Pataysingh next beat him with a cane, hitting him four times in the right shoulder before

Leake intervened. The cane beating left what Oakland described as "pretty good bruising" on his shoulder. 2RP 79.

Oakland recalled pulling the knife out of his chest, walking back in the bar and stating he needed an ambulance. Oakland also recalled one of his friends advising him to lie on the ground and push paper towels into the wound. 2RP 79. When medics arrived Oakland was able to get on the gurney himself and was then transported to Harborview Medical Center, where he claims he underwent "open heart surgery" to repair the stab wound, after which he had to remain hospitalized for four days. 2RP 80.

Leake, an Alaska fisherman, gave a slightly different account of events. 2RP 52. According to Leake, he and Oakland are friends, and agreed Oakland had been to gatherings at his home from time to time, but denied they sat together and watched the game that day. 2RP 54, 65. Similarly, Leake claimed he was unaware Oakland was a marijuana user, despite Oakland's contrary claim, and even testified that he did not think Oakland was a marijuana user. 2RP 66, 84. Leake testified that prior to the stabbing he was not really aware of what Oakland was doing because he was not paying him any attention. 2RP 55.

In further contrast to Oakland's testimony, Leake claimed Oakland and Pataysingh were already outside talking when he came out. 2RP 56. Leake could tell they were talking about money, but it did not appear to

him that they were arguing or that any anger was involved. 2RP 56, 68. Leake initial impression was that Oakland and Pataysingh knew each other before the incident. 2RP 67.

As they stood outside, Leake recalled seeing Pataysingh appear to hit Oakland in the chest, and then begin beating him with his cane. 2RP 58. Leake did not realize Oakland had been stabbed until after he stepped in to stop the cane beating and then saw Oakland pull the knife out as Pataysingh fled. 2RP 57-59. Leake said he chased after Pataysingh, but lost him. 2RP 59-60.

Unlike Leake, Robert Lloyd agreed he sat with Oakland at the bar to watch the game. 2RP 92. Lloyd recalled Pataysingh talking with Oakland for a while and then seeing both Oakland and Pataysingh go outside. 2RP 93. Lloyd could not say, however, whether they went out together or independently. 2RP 94. Like Leake, Lloyd had the impression Oakland and Pataysingh knew each other and were going outside together to smoke. 2RP 99.

Lloyd recalled Oakland returning to the bar and announcing he had been stabbed and then showed the bloody knife in his hand. 2RP 95. Lloyd had Oakland lay down while he and Leake went unsuccessfully to look for Pataysingh. 2RP 95-97.

Lloyd admitted that in a statement to police the day of the incident, he stated Oakland told him he got stabbed because he owed Pataysingh money. 2RP 100, 102. At trial, Lloyd sought to clarify what he meant, explaining that Oakland told him that Pataysingh said to Oakland, "You owe me money", to which Oakland allegedly replied, "I don't know who you are", and then Pataysingh stabbed him. 2RP 102-03.

One of Oakland's other acquaintances at the restaurant that afternoon, Chad Tilley, has some wound assessment skills gained while in the military. 2RP 105-06. When Oakland returned to the bar after being stabbed, Tilley looked at the wound and noted it was not a "sucking wound," which was "good" according to Tilley. 2RP 106. He gave Oakland some paper napkins to hold over the wound until medics arrived. 2RP 106-07.

After police arrived, Pataysingh was located at a bus stop near the restaurant and held there until both Lloyd and Leake could identify him as the person with Oakland when he got stabbed. 2RP 61-62, 97, 133-34. Pataysingh eventually agreed to a recorded interview with police. 2RP 136; Exs. 12 & 13.⁶

⁶ Exhibit 12 is a transcript of Exhibit 13, which is a recording of the police interview of Pataysingh. 2RP 143-44. Exhibit 12 was admitted for illustrative purposes only and provided to the jury when listening to Exhibit 13. 2RP 143-45. A copy of Ex. 12 is attached hereto as an Appendix.

Pataysingh did not testify at trial. His recorded statement to police, however, was played at trial with agreed upon redactions. Exs. 12 & 13; 2RP 115, 145. According to Pataysingh he is a singer and a former marijuana grower. Appendix at 3, 5. Oakland owed him approximately \$4,500, which Pataysingh initially said was for both prior marijuana sales and past singing performances, but later admitted was mostly all for marijuana. Appendix 6-7, 10. When Pataysingh saw him in the bar that afternoon, he asked for his money, which Oakland said he did not have. Appendix at 8. When Pataysingh later went outside, he claimed Oakland followed, armed with a knife and intent on beating up Pataysingh. Appendix 4, 8-9. According to Pataysingh, Oakland came at him with the knife, which Pataysingh said he managed to turn back towards Oakland in self defense as Oakland advanced on him and ultimately impaled himself on the knife he was holding. Appendix at 4-5.

Upon further questioning, however, Pataysingh said he actually invited Oakland outside to discuss the debt. Once outside, Pataysingh repeatedly asked Oakland for the money, which Oakland repeatedly said he did not have, until Oakland finally pulled out a knife and tried to stab Pataysingh. Appendix at 16. Pataysingh explained again that he managed to turn the knife towards Oakland and then hit him with his cane. Appendix at 17.

After the interviewing officers expressed disbelief with Pataysingh's statement to that point, Pataysingh told a different version, this time stating he was the one armed with the knife and that he brought it outside to scare Oakland. Appendix at 17-18. Pataysingh explained that after Oakland agreed to go outside with him, they spent seven to twelve minutes talking before Oakland lunged at him. Appendix at 18. As Oakland lunged, Pataysingh pulled the knife out and stabbed Oakland once in the abdomen. Appendix at 19. Pataysingh recalled Oakland pulling out the knife and coming at him, so Pataysingh hit Oakland with his cane to keep him away, and then ran away. Appendix at 20.

Upon yet even further questioning, Pataysingh this time admitted he had the knife out threatening Oakland and that Oakland never actually lunged at him. Appendix at 20-21. Pataysingh then claimed Oakland impaled himself on the knife by running into it, but then admitted he made a stabbing motion during the encounter. Appendix at 21.

At the conclusion of the interview Pataysingh admitted he was not in fear of Oakland, that he used the knife to try to collect the money Oakland owes him, and that he did not intend to kill Oakland, but instead stabbed him out of anger. Appendix at 27-28.

C. ARGUMENT

PATAYSINGH WAS DENIED HIS RIGHT TO A UNANIMOUS JURY VERDICT.

Under the unique facts of this case, the trial court erred by failing to instruct the jury that it had to be unanimous as to which act, wielding of the knife or the cane, constituted Pataysingh's assault of Oakland. Although both acts occurred within a short period of time and in the same location, Pataysingh's self defense claim as to the knife version of the assault rendered inapplicable the rationale behind the continuing-course-of-conduct exception to need for a unanimity instruction under the circumstances. Therefore this Court should reverse.

Criminal defendants in Washington have a right to a unanimous jury verdict. Const. art. I, § 21. When the State presents evidence of multiple acts that could constitute a charged crime, “the State must tell the jury which act to rely on in its deliberations or the [trial] court must instruct the jury to agree on a specific criminal act.” State v. Kitchen, 110 Wn.2d 403, 409, 756 P.2d 105 (1988); State v. Petrich, 101 Wn.2d 566, 572, 683 P.2d 173 (1984), overruled on other grounds by Kitchen, 110 Wn.2d 403. The State's failure to elect the act, coupled with the court's failure to instruct the jury on unanimity, is constitutional error. Kitchen, 110 Wn.2d at 411. “The error stems from the possibility that some jurors

may have relied on one act or incident and some another, resulting in a lack of unanimity on all of the elements necessary for a valid conviction.” Id.

Pataysingh may raise this issue for the first time on appeal because a trial court's failure to give a Petrich instruction is a manifest error affecting a constitutional right. State v. Holland, 77 Wn. App. 420, 424, 891 P.2d 49 (1995).

The State need not elect, and the court need not give a unanimity instruction, however, if the evidence shows the accused was engaged in a “continuing course of conduct.” State v. Handran, 113 Wn.2d 11, 17, 775 P.2d 453 (1989). Courts have considered various factors in determining whether a continuing course of conduct exists in a particular case. Generally, evidence that the charged conduct occurred at different times and places tends to show that several distinct acts occurred rather than a continuing course of conduct. Id. In contrast, evidence that an offense involves a single victim, or that a defendant engages in a series of actions intended to secure the same objective, supports the characterization of those actions as a continuing course of conduct. Id.

In Handran, two arguably assaultive acts did not require a unanimity instruction because they were part of a continuing course of conduct intended to secure sex with a single victim. Handran entered his

ex-wife's apartment through the window one night. Id. at 12. He began kissing her, and then hit her in the face. Id. The trial court refused to give a unanimity instruction. The Supreme Court agreed such an instruction was unnecessary because the two acts were part of a continuing course of conduct. Id. at 17. According to the Court, “[the] alleged criminal conduct occurred in one place during a short period of time between the same aggressor and victim. Under a commonsense evaluation of these facts, the actions evidence a continuing course of conduct . . . rather than several distinct acts.” Id.

To convict Pataysingh of first degree assault, the State had to prove each of the following elements beyond a reasonable doubt:

- (1) That on or about the 29th day of December, 2013, the defendant assaulted Luke Oakland;
- (2) That the assault was committed with a deadly weapon;
- (3) That the defendant acted with intent to inflict great bodily harm; and
- (4) That the acts occurred in the State of Washington.

CP 39 (Instruction 6).

There was evidence of at least two assaultive acts by Pataysingh jurors could have relied on to convict. The first was the act of assaulting Oakland with a knife. Oakland testified Pataysingh assaulted him with a

knife shortly after he told Pataysingh he had no money to give him. 2RP 76-77. If believed, this act constituted the charged offense because there was evidence it occurred on December 29, 2013,⁷ the act of wielding the knife could constitute an "assault" as defined for the jury,⁸ the knife used could qualify as a "deadly weapon" as defined for the jury,⁹ and it was uncontested the incident occurred in the State of Washington.

The second was the act of hitting Oakland with a cane. Oakland testified Pataysingh hit him four times with a cane, which left "pretty good bruising" on his shoulder. 2RP 79. Like the assault with the knife, if believed, this act constituted the charged offense because it occurred on December 29, 2013, wielding a cane against someone meets the definition of "assault", the cane could qualify as a "deadly weapon" and it was undisputed it occurred in the State of Washington.

Notably absent from the elements the State had to prove to convict Pataysingh of first degree assault was any actual injury to Oakland. This because the State charged him under the "[a]ssaults another with a firearm or any deadly weapon or by any force or means likely to produce great

⁷ Oakland testified the incident occurred on that date. 2RP 53.

⁸ As defined for the jury, "An assault is an intentional touching or striking or cutting of another person, with unlawful force, that is harmful or offensive." CP 40 (Instruction 7).

⁹ As defined for the jury, "Deadly weapon means any weapon, device, instrument, substance, or article, which under the circumstances in which it is used, or threatened to be used, is readily capable of causing death or substantial bodily harm." CP 43 (Instruction 10).

bodily harm or death" alternative, and not under the "[a]ssaults another and inflicts great bodily harm" alternative. Compare RCW 9A.36.011(1)(a) with RCW 9A.36.011(1)(c). Under the (a) alternative the State must prove the *intent* to inflict great bodily harm and an assault with a firearm or deadly weapon. Under the (c) alternative the State must prove the *intent* to inflict great bodily harm and *actual* great bodily harm.

Thus, although there is evidence to support finding Oakland *actually* incurred great bodily harm, that fact is not significant for purposes of the issue on appeal, except to the extent they provide proof that the weapon used qualifies as a "deadly weapon."

When considered in its totality, the evidence at trial provided a basis for jurors to conclude Pataysingh committed first degree assault against Oakland, not by assaulting him with a knife that qualified as a "deadly weapon", but instead by assaulting him with a cane that qualified as a deadly weapon. This is because Pataysingh's statement to police provides evidence that if believed, would eliminate the use of the knife as the act upon which a juror could base a guilty verdict.

For example, a juror could believe Pataysingh's original claim that Oakland lunged at him with the knife and he redirect the blade into Oakland. Appendix at 4-5, 16-17. That juror could also reasonable conclude Pataysingh acted in justifiable self defense in redirecting the

blade into Oakland, or at least that the State failed to prove beyond a reasonable doubt that it was not justifiable self defense. See CP 44 (Instruction 12, setting forth law of self-defense). Finally, that juror could still conclude Pataysingh committed first degree assault by subsequently hitting an already wounded Oakland repeatedly with his cane, which can qualify as a "deadly weapon" as defined for the jury.¹⁰ Under this scenario, Pataysingh's objective intent change from one act to the next, i.e., he wielded the knife in an act of self defense and the cane in an act of assault.

Yet other jurors may have believed Oakland's version of events and concluded Pataysingh committed first degree assault by assaulting Oakland with knife, and also conclude the cane beating was not a first degree assault because the cane did not qualify as a deadly weapon.

Yet another juror could have found that it was Pataysingh's combined use of both the knife and the cane that constituted the first degree assault. Without a unanimity instruction, there is no assurance

¹⁰ As defined for the jury, "Deadly weapon means any weapon, device, instrument, substance, or article, which under the circumstances in which it is used, or threatened to be used, is readily capable of causing death or substantial bodily harm." CP 43 (Instruction 10). "Substantial bodily harm" was defined for the jury as "injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or that causes a fracture of any body part." CP 44 (Instruction 11).

there was unanimity among the jurors as to which act or acts it found constituted the first degree assault.

The failure to give a unanimity instruction in a multiple acts case is of constitutional magnitude and will be deemed harmless only if no rational trier of fact could have a reasonable doubt as to whether each incident established the crime beyond a reasonable doubt. State v. Hanson, 59 Wn. App. 651, 659, 800 P.2d 1124 (1990) (citing Kitchen, 110 Wn.2d at 411).

The error here was not harmless. Pataysingh's statement to police provided affirmative evidence for the jury to rely on to conclude Oakland attacked Pataysingh with the knife and that Pataysingh acted in justifiable self defense when he redirected the knife into Oakland, but that when he later hit Oakland with the cane, he was not acting in justifiable self defense and therefore was guilty of first degree assault. Similarly, Oakland's testimony provides a basis to conclude the use of the knife was the first degree assault and not the use of the cane.

Although the court made it clear outside the presence of the jury that Pataysingh should only be convicted of assault based on the use of the knife (2RP 201-02), it never so instructed the jury, nor did the prosecutor make a clear election during closing. To the contrary, the prosecutor repeatedly made it a point to remind the jury there was evidence

Pataysingh committed assault by wielding both a knife and a cane against Oakland. 2RP 200, 204. Under the circumstances, a rational trier of fact could have had a reasonable doubt as to whether Pataysingh's use of the knife or the cane constituted a first degree assault as charged. Because the State cannot meet the test for harmless error, Pataysingh's conviction should be reversed. Hanson, 59 Wn. App. at 660.

D. CONCLUSION

For the reasons stated, this Court should reverse Pataysingh judgment and sentence.

DATED this 3rd day of December 2014.

Respectfully submitted,

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APPENDIX



Det. Pince: This will be event number SO13-22070. This is the statement of Sean Pataysingh?

Sean Pataysingh: Pataysingh.

Det. Pince: Pataysingh. The date is 12/29/13 and the time is now 2125 hours. I am Detective Brad Pince of the Snohomish County Sheriff's Office. This statement is being recorded at the Snohomish County Sheriff's Office, fourth floor. There are three persons present in the room. For purposes of voice identification, would each person besides Mr. Pataysingh, the person who is giving this statement, please state your name and occupation one at a time.

Det. Betts: Detective Tedd Betts, Snohomish County Sheriff's Office.

Det. Pince: Sean, do you understand that this statement is being recorded?

Sean Pataysingh: Yes, I do.

Det. Pince: What is your full name and spell it, please?

Sean Pataysingh: My first name is Sean, S-E-A-N, middle name is Gregory, G-R-E-G-O-R-Y, last name is Pataysingh, P-A-T-A-Y-S-I-N-G-H.

Det. Pince: And what is your address?

Sean Pataysingh: My address is 5115 148th Street Southwest, Edmonds, Washington.

Det. Pince: And what is your telephone number?

Sean Pataysingh: I don't have a telephone number right now.

Det. Pince: Is there a message phone for you?

Sean Pataysingh: Um, it's ah, 425 312- ah, 82-69.

Det. Pince: And whose phone is that?

Sean Pataysingh: It's mine. I just haven't had it turned on for a while.

Det. Pince: Okay. And what is your date of birth?

Sean Pataysingh: June 10th, 1970.

Det. Pince: 'kay. Mr. Pataysingh, you have the right to remain silent. Anything you say can be used against you in a court of law. You have the right at this time to talk to a lawyer and to have him present with you while you are being questioned. If you cannot afford to hire a lawyer one will be appointed to represent you before any questioning if you wish. You can decide at any

time to exercise these rights, not answer any questions or make any statements. Do you understand each of the rights I've explained to you?

Sean Pataysingh: Yes, sir.

Det. Pince: Having these rights in mind, do you wish to talk to us now?

Sean Pataysingh: Sure, sir.

Det. Pince: If I could get your signature on the line there indicated by the "X"?

Det. Pince: For the record, you were picked up by one of our patrol deputies um, on Highway 99 earlier this evening. Is that accurate?

Sean Pataysingh: Yes, sir.

Det. Pince: 'kay. When he picked you up he placed you in handcuffs, he read you the same Miranda Rights that I just read to you?

Sean Pataysingh: Yes, sir.

Det. Pince: 'kay. Ah, it's my understanding that when he read those to you he asked if you wanted to talk to us and you told him you did not. Is that accurate?

Sean Pataysingh: Yeah.

Det. Pince: Okay.

Sean Pataysingh: But I didn't know what it was all about.

Det. Pince: Okay. Ah, a short while later I introduced myself to you. You were in handcuffs in the back of his patrol car. Is that accurate?

Sean Pataysingh: Yes, sir.

Det. Pince: I explained who I was and asked you if you wanted to present your side of the story.

Sean Pataysingh: Yes, sir.

Det. Pince: Again, you said you did not want to talk at that time.

Sean Pataysingh: Yes, sir.

Det. Pince: Okay. It's my understanding that a short time later ...

Sean Pataysingh: When he showed up.

Det. Pince: ... the, the deputy was getting ready to transport you to jail. You told him that you wanted to talk to a detective.

Sean Pataysingh: Yeah.

Det. Pince: Is that accurate?

Sean Pataysingh: Yes, sir.

Det. Pince: 'kay. I come back. Um, I, I re-introduced myself. I explained to you that if you ... and you told me, you wanted to tell your side of the story. Um,

matter of fact, at the time you said you wanted to make sure that I knew you were disabled and that this involved self-defense.

Sean Pataysingh: Mm hm (affirmative response).

Det. Pince: Is that accurate?

Sean Pataysingh: Yes, sir.

Det. Pince: Okay. I told you to wait. We would talk up here.

Sean Pataysingh: Yes, sir.

Det. Pince: And you got transported up here and you've been sitting here waiting patiently for Detective Betts to show up and for us to come in and talk to you.

Sean Pataysingh: Yes, sir.

Det. Pince: 'kay. That, I just wanted to make sure that that's accurately portrayed on, on the recorder here. How old are you?

Sean Pataysingh: I'm thir-, I'm forty-three. Sorry.

Det. Pince: You're forty-three?

Sean Pataysingh: Yes, sir. 'kay. Ah, you were involved in some sort of an incident at a bar tonight?

Sean Pataysingh: Yes, sir.

Det. Pince: What bar was that?

Sean Pataysingh: Taster's Wok.

Det. Pince: 'kay. Are you a regular customer there?

Sean Pataysingh: Yeah. I used to perform there. It was, it was like better times.

Det. Pince: Okay.

Sean Pataysingh: Ah, every time I went to try to perform, I always end up in Snohomish County.

Det. Pince: Okay. Um, what do you mean, you perform there?

Sean Pataysingh: Well, I'm a, a singer ... rapper? That kind of stuff? I do music also.

Det. Pince: Okay. Okay. Um, so what time did you show up at the bar tonight?

Sean Pataysingh: I'm not too sure what time it was. Um, I think, prob'ly about 9:30, 10:00 ... something like that?

Det. Pince: Okay. Well, it's 9:30 now.

Sean Pataysingh: Okay. So prob'ly it was about at least two hours ago.

Det. Pince: Okay. So it was a while ago you showed up.

Sean Pataysingh: Yeah.

Det. Pince: 'kay. Did you know anybody in that bar?

Sean Pataysingh: Yeah.

Det. Pince: Who did you know?

Sean Pataysingh: A gentleman, I can't remember his name. We got in an argument. I walked outside. He came behind me.

Det. Pince: 'kay. Did you get in an argument with him inside the bar?

Sean Pataysingh: No.

Det. Pince: Where did you get in the argument?

Sean Pataysingh: Outside.

Det. Pince: Okay. Um, you went outside. Did he follow you or ...?

Sean Pataysingh: Yeah, he did. He was right behind me.

Det. Pince: Okay. Wa-Was, was there any sort of a discussion prior to walking out?

Sean Pataysingh: No. I was telling him I was leaving. He wanted to talk to me.

Det. Pince: He wanted to talk to you?

Sean Pataysingh: Yeah.

Det. Pince: 'kay. What did he want to talk to you about?

Sean Pataysingh: I have no idea. I think it was something about the shows that I wasn't ah, wasn't coming to or something like that. (Unintelligible) that I wasn't in town and I was, again, in Snohomish County.

Det. Pince: 'kay.

Sean Pataysingh: Every time, just show up.

Det. Pince: Was ... the individual that you were talking to, did he have anything ... I mean, was he associated with the bar?

Sean Pataysingh: I think so. I'm not too sure.

Det. Pince: Okay.

Sean Pataysingh: I'm not too sure.

Det. Pince: Okay. So you and him walk outside. Is there anybody else that walk outside with you?

Sean Pataysingh: No.

Det. Pince: 'kay. What happens when you get outside?

Sean Pataysingh: He started arguin' with me that he had a knife and he tried to stab me with the knife.

Det. Pince: 'kay. Ah, what were you arguing about?

Sean Pataysingh: Something about either the show or ah, my pah-, um, I used to plant marijuana, I used to grow marijuana. I had my ...

Det. Pince: 'kay.

Sean Pataysingh: ... license and everything like that. So I wasn't in the picture for a long, long time.

Det. Pince: 'kay. Did you used to sell marijuana?

Sean Pataysingh: It was a while back.

Det. Pince: 'kay. Ah, is this an individual that you used to sell marijuana to?

Sean Pataysingh: Not really. No.

Det. Pince: N'kay.

Sean Pataysingh: No.

Det. Pince: (Unintelligible.)

Sean Pataysingh: So that's why I wasn't even, the argument was like I don't even know why you're arguing with me for.

Det. Pince: N'kay. So tell me what happened during the argument.

Sean Pataysingh: That was it. I tried to ... well, he grabbed me and I saw the knife in his hand and defended myself.

Det. Pince: 'kay. And how did you do that?

Sean Pataysingh: He came towards me with it so I bent if forward.

Det. Pince: How did you bend it forward?

Sean Pataysingh: It was comin' forward like that to ya, I just flipped over.

Det. Pince: 'kay. So did you take the knife away from him?

Sean Pataysingh: Kinda sorta, yeah.

Det. Pince: Okay. You took the knife away from him and you stabbed him in the chest?

Sean Pataysingh: In self-defense. I told him ... he saw me with the cane. I tried to hit him with the cane, too.

Det. Pince: 'kay. Ah, was that before or after the knife was in ...

Sean Pataysingh: During the process cuz I had the cane trying to hit him away from me.

Det. Pince: Okay. When you were trying to hit him with the cane, was he holding the knife or did you have the knife at that point?

Sean Pataysingh: He had the knife at that time when I came with the cane.

Det. Pince: Okay.

Sean Pataysingh: And he went down with my hat in my hand.

Det. Pince: 'kay.

Sean Pataysingh: So it was a (unintelligible) with that.

Det. Pince: Was anybody else present when this happened?

Sean Pataysingh: I can't remember.

Det. Pince: You can't remember?

Sean Pataysingh: No.

Det. Pince: And, and you can't remember what the argument was about?

Sean Pataysingh: Basically, it was the money that he had for me.

Det. Pince: Okay. He had money for you?

Sean Pataysingh: Yes, sir.

Det. Pince: How much money ... did he owe you money or ...

Sean Pataysingh: It was ...

Det. Pince: ... explain to me how this works.

Sean Pataysingh: It was a while ago. It was like four or five years ago, maybe. (Unintelligible.)

Det. Pince: Four or five years ago ...

Sean Pataysingh: Yeah.

Det. Pince: ... he owed you money?

Sean Pataysingh: Yeah.

Det. Pince: For?

Sean Pataysingh: Performing and marijuana. That's about it.

Det. Pince: Okay.

Sean Pataysingh: If I remember correctly.

Det. Pince: How much money did he owe you?

Sean Pataysingh: I think about ... it was about forty-five hundred?

Det. Pince: 'kay.

Sean Pataysingh: Something like that.

Det. Pince: So ...

Sean Pataysingh: And this is what I'm tryin' to sort out right now, too, myself. Cuz somebody else was hand-handling my books. All my paperwork got lost. My, my

whole identity and everything went crazy. And I said, when I came out of Snohomish County is when I found out that somebody actually had hands into my, my belongings ... in Social Security, everything, businesses I don't even know about. That's what I've been hearin' about. So it's like, oh, my God. What is goin' on?

Det. Pince: Okay. But you clearly remember this guy owes you approximately forty-five hundred dollars.

Sean Pataysingh: Yeah.

Det. Pince: For marijuana and for singing?

Sean Pataysingh: Yeah.

Det. Pince: For singing where?

Sean Pataysingh: You know, I was supposed to do some karaoke shows there and some recording of my songs that I had out.

Det. Pince: And that's at the Taster's Wok?

Sean Pataysingh: It was, I met him through Taster's Wok. He was gonna come up (unintelligible) Taster's Wok. We (unintelligible) eat once in a while when he's writin'. Stuff like that. That's about it. And that's why, you know, when he came up to me and his talk was all happy, then he was like he wanted to kick my ass.

Det. Pince: Okay.

Sean Pataysingh: Because, you know, I was like, dude. For real.

Det. Pince: Okay. Now, I, I, I, I want to make sure that I get this straight cuz it, I'm, I'm a little confused here. He owed you forty-five hundred dollars.

Sean Pataysingh: Yeah, it was somethin' like that.

Det. Pince: And, and, and what kind of performance had you done and when had you con-, did that performance for the money? Or was this for a marijuana debt?

Sean Pataysingh: It was for ... let's see. Couple karaokes like during Halloween um, Valentine's Day, shows like that I was supposed to be at. And then ...

Det. Pince: 'kay. Where do you, do, were you at those shows?

Sean Pataysingh: I was at a couple of those shows.

Det. Pince: Okay.

Sean Pataysingh: Yeah.

Det. Pince: And, and, and he was supposed to pay you.

Sean Pataysingh: Yes.

Det. Pince: Okay. And where exactly were those shows taking place at?

Sean Pataysingh: It was out of um, Taster's Wok ahh, was it Waldo's. Um, it was at some (unintelligible) ahh, it was the other bar? Let's see, let's see. Right there on one seven-, 79th Street. (Unintelligible) it's oh, God. What's the name of that one?

Det. Pince: Okay.

Sean Pataysingh: (Unintelligible) couple of them, couple of the recordings that I had. I did like ...

Det. Pince: But, but, but this guy that, you don't know his name is the one that hired you to do those performances.

Sean Pataysingh: Yeah.

Det. Pince: And you haven't seen him for four or five years?

Sean Pataysingh: No, I actually haven't seen him for about two years ... two, three years at the most.

Det. Pince: 'kay.

Sean Pataysingh: Yeah.

Det. Pince: And so you went into the bar. Did you ask him for the money?

Sean Pataysingh: Yeah. I did ask him for money.

Det. Pince: And what did he tell you?

Sean Pataysingh: He told me no, he didn't have any money for me.

Det. Pince: 'kay. And then you said you were gonna leave.

Sean Pataysingh: Yes.

Det. Pince: And he followed you out?

Sean Pataysingh: Yes, he did.

Det. Pince: And he wanted to kick your ass.

Sean Pataysingh: Yes, he did.

Det. Pince: Because he owed you money?

Sean Pataysingh: Yeah, because I prob'ly some of the, with the show stuff, like that. You know?

Det. Pince: Where outside of the bar did this confrontation take place?

Sean Pataysingh: Near the side door.

Det. Pince: Just out the side door?

Sean Pataysingh: Yes, sir.

Det. Pince: How far out the side door?

Sean Pataysingh: About two feet in front of the (unintelligible) table.

Det. Pince: 'kay. Um, what was this guy wearing?

Sean Pataysingh: I think it was an orange hoodie.

Det. Pince: 'kay.

Sean Pataysingh: Comcast.

Det. Pince: And, and ...

Sean Pataysingh: Plus I can't, I have no contacts in my eyes so I really can't see.

Det. Pince: 'kay.

Sean Pataysingh: And I didn't have my glasses on or anything like that. So.

Det. Pince: The knife that he pulled on you. What kind of knife was it?

Sean Pataysingh: I don't know. I can't, I can't remember what it looked like.

Det. Pince: How long was it?

Sean Pataysingh: That long.

Det. Pince: Is that including the handle ... you're, you're, you're, you're holding your fingers ah, what? About eight, ten inches apart?

Sean Pataysingh: Yeah, I think so.

Det. Pince: 'kay.

Sean Pataysingh: About like that.

Det. Pince: Does that include the handle or is that just the blade?

Sean Pataysingh: That's the handle and the blade.

Det. Pince: Handle and the blade?

Sean Pataysingh: Yeah.

Det. Pince: 'kay. Do you know where he was carrying this knife?

Sean Pataysingh: No, I don't.

Det. Pince: Do you know what his association with that bar is?

Sean Pataysingh: No, I don't.

Det. Pince: 'kay. Um, have you ever had any kind of a confrontation with him before?

Sean Pataysingh: No, I haven't.

Sean Pataysingh: Before, you know, like they'll have scheduled shows that I wouldn't even know about, some of them, you know?

Det. Pince: Ah.

Sean Pataysingh: Cuz they would get hacking into my (unintelligible) ha, I don't know who it is.

Det. Pince: Other than this guy that, that you've known for years, did you know anybody else in the bar?

Sean Pataysingh: Mm, I ... tonight? No. I mean, I saw familiar faces. That's about it.

Det. Pince: N'kay. Sean, the problem that I'm having is that we've talked to witnesses down there.

Sean Pataysingh: Mm hm (affirmative response).

Det. Pince: 'kay? Ah, we talked to a gentleman that says he was standing outside ah, right next to you.

Sean Pataysingh: Mm hm (affirmative response).

Det. Pince: And the guy that got stabbed. He saw you pull the knife and stab the guy and then he saw you hittin' him with your cane.

Sean Pataysingh: Mm.

Det. Pince: 'kay. How do you explain that?

Sean Pataysingh: Can't explain it. I said it was self-defense.

Det. Pince: 'kay. You, you, you understand that your version's a little hard to follow. That this whole ... he's owed you money for four or five years and you just happened onto him tonight and, you know, then he was mad at you cuz he owed you money? Ah, ah, again, that ...

Sean Pataysingh: It was a, it was a riff, back and forth, basically.

Det. Pince: Okay. Were y-, were you yelling at him about the money?

Sean Pataysingh: No. I wasn't yelling at him about the money. I basically asked him if he had my money.

Det. Pince: Mm hm.

Sean Pataysingh: He's like, no. I don't have any money whatsoever.

Det. Pince: 'kay. Can you think of any reason why the witnesses down there are saying that you pulled the knife and you stabbed him?

Sean Pataysingh: No, no.

Det. Pince: You have a beef with anybody else down there?

Sean Pataysingh: No.

Det. Pince: 'kay. And these were witnesses that after the deputies took you into custody came and looked at you and said, yes, that's the guy that was in the bar and, and walked out with my friend and they saw him stab him.

Sean Pataysingh: I heard a guy wanted to take me out, beat me up.

Det. Pince: What guy?

Sean Pataysingh: The same guy, the same gentleman.

Det. Pince: Who'd you hear that from?

Sean Pataysingh: A [sighs] (unintelligible). Who was that who told me?

Det. Pince: 'kay. So right after December 2nd you heard that this guy that, that got stabbed tonight wanted to beat you up?

Sean Pataysingh: Yeah, basically. And I didn't expect to see anybody. I was just goin' do my business, you know?

Det. Pince: But you don't know who you heard that from?

Sean Pataysingh: No. I just heard people looking for me because I owed them money because I didn't do shows and stuff for them.

Det. Pince: Mm hm.

Sean Pataysingh: As I was saying, my identity got wiped ... banking accounts that I didn't even know that I had established, anything like that.

Det. Pince: Do these people pre-pay you for the shows?

Sean Pataysingh: Supposed to. But I, that's the thing, it was never ... I never agreed to anything. Somebody took my identity and started using all this shit against me. And I'm like, how could they do this? And it's about, just one song. And I wrote like, about seven-seventy-eight hundred songs with them in the space of six, six years.

Det. Pince: 'kay. What, what, what song is this beef over?

Sean Pataysingh: I think it was ah, ah, Every Step You Take, Every Move You Make.

Det. Pince: Is, is that the name of the song?

Sean Pataysingh: That's one of the songs. There's a couple of them. Um, by this band called Wanted. The suns comes up, the moons comes ... the sun (unintelligible) the sun goes down, stars come up, the moon come up, yeah.

Det. Pince: You wrote these songs?

Sean Pataysingh: Basically.

Det. Pince: And people are mad at you because you wrote these songs?

Sean Pataysingh: Yeah because I'm tryin' to get my, my money for the songs that I wrote. And as I say, somebody's been tryin' to grab my music from me.

Det. Pince: N'kay. Detective Betts?

Det. Betts: Um, Sean, um, I want to cover a little bit of (unintelligible). Um, you said that um, you perform and you sell marijuana. You've sold marijuana in the past. Right?

Sean Pataysingh: Yeah.

Det. Betts: 'kay. How much do you get for a performance?

Sean Pataysingh: (Unintelligible) about the marijuana? (Unintelligible.)

Det. Betts: No. How much do you get per performance?

Sean Pataysingh: And there's the thing. Every time I'm scheduled to have a performance.

Det. Betts: No, I'm just asking you. When you agree to do a performance ...

Sean Pataysingh: I never agreed anything.

Det. Betts: Have you ever performed before?

Sean Pataysingh: No, I haven't.

Det. Betts: Well, you said you do performances. You've already said that.

Sean Pataysingh: Yeah. But ma-majority of the time, the way how their schedule is, they try to shift me around so I never get to do a performance. They have other guys do performance for me.

Det. Betts: Okay. So when you said before that you do performances ... you rap, you sing ... you didn't do that?

Sean Pataysingh: No, I usually do the karaoke night. That kind of stuff.

Det. Betts: Okay. So you don't rap or sing?

Sean Pataysingh: That's what I'm tryin' to get into, to do now.

Det. Betts: Okay. But my question is though, you don't rap or sing?

Sean Pataysingh: Yeah. No, I don't.

Det. Betts: Okay. So the forty-five hundred dollars would be solely marijuana then?

Sean Pataysingh: Prob'ly it was.

Det. Betts: Okay. So you have a forty-five hundred dollar marijuana ah, issue with John. Is that correct?

Sean Pataysingh: Mm. Guess so. Yeah.

Det. Betts: Okay. And what brought you to Taster's Wok tonight? Why did you go there?

Sean Pataysingh: I was gonna check it out and see if they had karaoke.

Det. Betts: 'kay. Did you bring any equipment with you? Any ah, ah, business ledgers, any way ...

Sean Pataysingh: No. No.

Det. Betts: ... to set up any kind of ...

Sean Pataysingh: Not like that.

Det. Betts: ... business transactions?

Sean Pataysingh: No.

Det. Betts: Okay. Um, and you just got out of Snohomish County Jail December 2nd is, am I understanding you right?

Sean Pataysingh: Yeah.

Det. Betts: Okay. Um, so you went to Taster's Wok on your own just to see if you could get a gig?

Sean Pataysingh: Yeah, see how it would, what was goin' on and see, cuz I haven't been in the show for a long time so I'm gonna see who's the new DJs and stuff like that.

Det. Betts: N'kay. And ah, when you were asked earlier about ah, um, doing some shows you said you did a couple.

Sean Pataysingh: Yeah. I did live performance a couple of times there. (Unintelligible.)

Det. Betts: You just told me you didn't do any performances.

Sean Pataysingh: Well, it's at least about two, three years ago. Two, three years.

Det. Betts: 'kay. I'm gettin' confused so I'm, I'm tryin' not to be confrontational with you but ...

Sean Pataysingh: Yeah.

Det. Betts: ... I'm tryin' to understand because first you are doing performances and now you're not doing your performances. So you said you did a couple but it sounded like you had maybe missed some.

Sean Pataysingh: Yeah.

Det. Betts: Were, were there ah, shows that you agreed to do that you didn't do?

Sean Pataysingh: I didn't formally sign for any shows to do, just appear.

Det. Betts: Whether it was a verbal agreement or not, I ...

Sean Pataysingh: Yeah.

Det. Betts: ... I'm not gonna get into the civil end of it.

Sean Pataysingh: Right, right.

Det. Betts: Were there shows that you agreed to do but didn't do?

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. Was that an issue, was John involved in this?

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. Was, did that set up some type of confrontational type of issue between the two of you then? Because you've got a, there's a drug debt.

Okay? And now it sounds like there's some type of ah, issue concerning performances. Am I correct?

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. So when you went into Taster's Wok tonight on a whim to see if you could set up a gig you said that you didn't know that John worked there or not. Right?

Sean Pataysingh: Yes.

Det. Pince: (Unintelligible.)

Det. Betts: Okay, so why would you be talkin' to John?

Det. Pince: Let me jump in here and, and Detective Betts, you keep referring to this individual as named John. You told me you didn't know this guy's name.

Sean Pataysingh: Yeah, I know.

Det. Pince: Okay.

Sean Pataysingh: I can't remember his name. We just know each other face to face.

Det. Pince: Okay. So if, if, if his name is not John, then we're, we're still talkin' about the same guy you had the confrontation about tonight. Correct?

Sean Pataysingh: That's what I'm assuming.

Det. Pince: Okay.

Det. Betts: So you said that the guy you had the altercation with tonight with the knife, you assume his name is John?

Sean Pataysingh: No. I know the guy by face by face.

Det. Betts: 'kay. So who's John then?

Sean Pataysingh: You mentioned John. You (unintelligible) it for the guy (unintelligible).

Det. Betts: No, I, I thought you said John earlier in your, in your ah, cuz ah, when you first started out, you said, you know John and that there's an argument outside. I wrote it down here.

Sean Pataysingh: I didn't say I know John. I said I don't know him.

Det. Pince: Okay. And, and, and I think there was some confusion there. You don't know the guy's name that you got in the confrontation with?

Sean Pataysingh: No, I don't.

Det. Pince: Okay.

Sean Pataysingh: (Unintelligible) about three years, face to face. I forget his name.

Det. Betts: Okay. So let's, let's forget about the name John then. Okay? The person with whom you had the altercation tonight. This is the person that ah, is the forty-five hundred dollar drug debt. This is the person who ah, um,

there's a, a, an issue regarding performances that weren't fulfilled and all that. Right?

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. You, you don't know that this person is connected to Taster's Wok in any professional way as far as the ownership or anything like that. Right?

Sean Pataysingh: No, sir.

Det. Betts: Okay. Um, and you went to Taster's Wok tonight to see if you could set up a gig. Right?

Sean Pataysingh: Yes, sir. (Unintelligible.)

Det. Betts: So when you went in Taster's Wok, who was the very first person you talked with?

Sean Pataysingh: Let's see. I said hi to everybody as I was walked into the restaurant.

Det. Betts: Okay.

Sean Pataysingh: I walked to the back. I said hi to a couple other people that I know. And I saw him and that was it. I went to the back (unintelligible) just, you know, gettin' some fresh air.

Det. Betts: Okay. So, when you walked in there you forgot all about settin' up a gig.

Sean Pataysingh: Yeah. Cuz I didn't see any DJs there or anything like that.

Det. Betts: Okay. How about ...

Sean Pataysingh: Yeah, it's like ...

Det. Betts: ... the people who own the bar or run the bar? (Unintelligible.)

Sean Pataysingh: Well, they was busy in the kitchen. And I was just hangin' out by the bar waitin' for (unintelligible) somebody so something could happen.

Det. Betts: Okay. So when you walked over to this man, with whom you've had previous business dealings ...

Sean Pataysingh: Mm hm (affirmative response).

Det. Betts: Um, what were your first words to him?

Sean Pataysingh: Hi, how ya doin'? He said, fine.

Det. Betts: 'kay. Tell me about the rest of the conversation then.

Sean Pataysingh: And basically, he's like, so how's it been? You know, like you haven't seen me in a while, I haven't seen you in a while. And I went outside to smoke a cigarette in the back.

Det. Betts: 'kay. Now you just said earlier that ah, um, ah, there's some discussion ... you said that ah, um, you asked him for money and he said he didn't have any.

Sean Pataysingh: That was outside, when we was outside. It wasn't inside.

Det. Betts: So that wasn't inside the bar?

Sean Pataysingh: No.

Det. Betts: Okay. Did you invite him outside so you could talk to him?

Sean Pataysingh: Mm, we went both outside. He came, I went out and he came behind me.

Det. Betts: 'kay. Ah, okay. I'm havin' a hard time ... he, you just walked outside and he followed you without any invitation whatsoever?

Sean Pataysingh: Mm hm (affirmative response).

Det. Betts: So if we have people in the bar saying that you asked him to go outside so you could talk to him um, would they be not tellin' the truth?

Sean Pataysingh: Guess so.

Det. Betts: Multiple people ... all telling the same lie?

Sean Pataysingh: [No verbal response.]

Det. Betts: Is it possible that you asked him outside?

Sean Pataysingh: Yes, sir.

Det. Betts: Alright. It's not a big deal. Alright? If you asked him to go outside to talk, you asked the man to go outside and talk. So you asked him to go outside. Right?

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. How did you ask him?

Sean Pataysingh: Can we, can we go outside and talk a little bit?

Det. Betts: Okay.

Sean Pataysingh: And he agreed to come out and talk.

Det. Betts: Okay. So you walked out first. He followed behind you. What happened as soon as you got outside?

Sean Pataysingh: I just asked him if he had any of my money. And he's like, no, I don't have any money.

Det. Betts: Okay.

Sean Pataysingh: And, you know, I kept on askin' him. You know, then he pulled out the knife, not me.

Det. Betts: 'kay. Have you ever fought anybody that had a knife before?

Sean Pataysingh: No, not really.

Det. Betts: Okay. You described a pretty ah, a pretty deft maneuver in taking that knife away from him. It's like somebody who's, who's trained in fighting people with knives. Do you have any cuts on your hands whatsoever?

Sean Pataysingh: Except these two.

Det. Betts: Can I see 'em? 'kay. And how did you get those?

Sean Pataysingh: (Unintelligible) anything. I don't know.

Det. Betts: Are those, those fresh cuts or are they, may have had those for a little while?

Sean Pataysingh: They're fresh cuts.

Det. Betts: Fresh cuts. Okay. Um, and you said he came at you with a knife and you were able to grab the knife and bend it backwards and then take it away ...

Sean Pataysingh: I had my cane. So I used my cane to make the ...

Det. Betts: Well, that's not what you ... you said you hit him with the cane after that earlier.

Sean Pataysingh: Yeah. When he was coming towards me.

Det. Betts: Okay. So do y-, when you grabbed the knife, did you grab with both hands or one hand?

Sean Pataysingh: Both hands? One hand? I can't remember. It just happened too quick.

Det. Betts: Okay. Um, well I have some experience in, in this kind of things, okay? Um, I know it's very, it's extremely difficult in those kinds of circumstances to take a knife away from somebody without getting injured substantially yourself. And ah, when we have a witness who said they saw you produce the knife, I have some severe doubts about what happened. Okay? Is it possible you were just trying to scare him and then he just came at you?

Sean Pataysingh: (Unintelligible).

Det. Betts: Huh?

Sean Pataysingh: Yeah.

Det. Betts: Okay. So you had the knife first, right?

Sean Pataysingh: Yeah.

Det. Betts: Pardon?

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. And what were you tryin' to do with that knife?

Sean Pataysingh: Scare him.

Det. Betts: Okay.

Sean Pataysingh: (Unintelligible.)

Det. Betts: Why were you tryin' to scare him?

Sean Pataysingh: [No verbal response.]

Det. Betts: Is it because of the money? The, is it because of all these things you've been talkin' about?

Sean Pataysingh: Yeah.

Det. Betts: I mean, I get it. I mean, you got, you're, you're on hard times here.

Sean Pataysingh: [Exhales loudly.]

Det. Betts: Okay. So you brought the knife with you.

Sean Pataysingh: Just for self-defense for myself.

Det. Betts: Okay. Did you know he was in the, in the, in the bar there before you got there?

Sean Pataysingh: No, no. Honest, no.

Det. Betts: Okay. So that was just a random thing ...

Sean Pataysingh: Yeah.

Det. Betts: ... just happened ...

Sean Pataysingh: Yeah.

Det. Betts: ... to see the guy.

Sean Pataysingh: Yeah.

Det. Betts: Okay. So you didn't go hunt him down or anything like that?

Sean Pataysingh: (Unintelligible.) I didn't go hunt him down.

Det. Betts: Alright. Alright, that, that makes me feel better.

Sean Pataysingh: Yeah.

Det. Betts: Um, so when you asked him to go outside, how long between the time that you guys actually got outside until when you pulled the knife out?

Sean Pataysingh: It's something like, you know, like twelve, twelve, fifteen minutes. Something like that.

Det. Betts: So you talked to him for twelve to fifteen minutes before this happened?

Sean Pataysingh: (Unintelligible) seven, seven to twelve minutes? Somethin' like that. In that time frame?

Det. Betts: Okay.

Sean Pataysingh: And he lunged at me and I was like, oh shit.

Det. Betts: Are you sure he lunged at you first or ...

Sean Pataysingh: Yes, he did.

Det. Betts: ... did you pull the knife first and then he lunged at you?

Sean Pataysingh: He lunged at me first, sir.

Det. Betts: Okay. Ah, did he have a weapon?

Sean Pataysingh: No, sir.

Det. Betts: Pardon?

Sean Pataysingh: No, sir.

Det. Betts: 'kay. Um, so where do you think you stabbed him?

Sean Pataysingh: Up here.

Det. Betts: Pardon?

Sean Pataysingh: Up here.

Det. Betts: Okay, can you describe to me where ... cuz you're, you're showing me. Can you describe to me in words?

Sean Pataysingh: In the abdominal?

Det. Betts: Okay. You're talkin' about maybe at the base of the sternum down here, in the solar plexus area? Cuz that's where I'm touching right now. Would it be there or a little higher or a little lower?

Sean Pataysingh: Little lower.

Det. Betts: Little lower?

Sean Pataysingh: Yes, sir.

Det. Betts: So you're talkin' down below the, the breast bone but above the belly button?

Sean Pataysingh: Yes, sir.

Det. Betts: Are you sure?

Sean Pataysingh: Yes, sir.

Det. Betts: Oh, alright. How many times did you stab him?

Sean Pataysingh: Just the once, sir.

Det. Betts: Pardon?

Sean Pataysingh: Only once.

Det. Betts: Only once? And what did you do after you stabbed him?

Sean Pataysingh: I left.

Det. Betts: H-, weh, how did he react as soon as you stabbed him?

Sean Pataysingh: He pulled it out, tryin' to stab me again with it. Came after me.

Det. Betts: 'kay.

Sean Pataysingh: That's when I hit him with the cane.

Det. Betts: Okay. And ah, so what happened after that? Just kinda take me from there.

Sean Pataysingh: I just went around the corner and ran. I was scared. I was like, he's bigger than me. I was like, oh shit.

Det. Betts: Mm hm. Where'd you have the knife to begin with?

Sean Pataysingh: I had it in my pocket.

Det. Betts: Which pocket?

Sean Pataysingh: This one.

Det. Betts: You're (unintelligible), you've motioned to your left front jacket pocket?

Sean Pataysingh: Pants pocket.

Det. Betts: Pants pocket? Are you right- or left-handed?

Sean Pataysingh: I'm ambi.

Det. Betts: You're ambidextrous?

Sean Pataysingh: Yeah.

Det. Betts: Okay. Um, and he lunged at you. Was he able to get ahold of you at all or did you, were you able to ke-, to stab him before he got ahold of you?

Sean Pataysingh: As he came forward, I already had the knife there. He came forward, then he pulled it out and tried (unintelligible) ...

Det. Betts: Okay. So he already had the knife out by the time he lunged at you?

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. So were you threatening him at that point with the knife?

Sean Pataysingh: Yeah, basically.

Det. Betts: Okay. So you already had the knife out, you're threatening him with the knife and then he jumped at you?

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. Um, is it possible that he didn't jump at you until after you stabbed him?

Sean Pataysingh: No, he jumped at me first, sir.

Det. Betts: He jumped at you first?

Sean Pataysingh: Yes, sir.

Det. Betts: Even though you had a knife?

Sean Pataysingh: Yes, sir.

Det. Betts: That's pretty ballsy, don't you think? Ah, ha. You've been on the street. A guy has a knife in front of you. Do you jump at him or do you, or do you haul ass out of there as fast as you can?

Sean Pataysingh: You haul ass (unintelligible) if you can.

Det. Betts: Yeah? So, it sounds kinda weird that he'd just jump at you if you had the knife. And he, and he owes you money. I mean, it sounds to me like, you know, you're, you're the one who's upset here so how's he jumpin' at you first?

Sean Pataysingh: He came towards me first.

Det. Betts: He came towards you. Okay. So he didn't lunge at you then. He just kinda came towards you?

Sean Pataysingh: Yes, sir.

Det. Betts: Remember, we have a witness. Okay? So I'm, I'm trying, I'm trying to give you an opening here to, to be honest with me. Alright? So was he actually attacking you when you stabbed him?

Sean Pataysingh: No, sir.

Det. Betts: No?

Sean Pataysingh: No.

Det. Betts: Okay. I want to be very clear I'm understanding you correctly. He, he was not attacking you when you stabbed him.

Sean Pataysingh: Well, I know he came forward and I had the knife on him.

Det. Betts: 'kay.

Sean Pataysingh: You know, I didn't go to stab him or anything like that.

Det. Betts: Are you saying he ran into the knife?

Sean Pataysingh: Yes, he did. I don't think he saw it. He had dark glasses on.

Det. Betts: Okay. Well, that, that sounds ... now, now we're starting to get into the weird area. I mean, he jus', he just ran into a knife? That doesn't sound right either. You, like I said, remember, we have a witness.

Sean Pataysingh: Yes, sir.

Det. Betts: Alright? So do you want to clarify that for me, for me? Did he, did you actually make a move to stab him or did he just run into the knife?

Sean Pataysingh: I made a move to stab him, sir.

Det. Betts: You made a move to stab him. Okay. Um, was it a, was it a ah, an act out of haste? Did you make a bad decision on impulse or is it something that you wanted to do for a long time?

Sean Pataysingh: No, it was impulse.

Det. Betts: Impulse?

Sean Pataysingh: Yeah.

Det. Betts: Okay. How far a guy, apart were you guys standing when you were talking?

Sean Pataysingh: About the distance from here to there (unintelligible).

Det. Betts: Okay. So you, you motioned maybe three feet? Were you about three feet apart from each other?

Sean Pataysingh: Yeah.

Det. Betts: Okay. Cuz you and I are sitting across the table right now. Were you closer than you and I?

Sean Pataysingh: No, actually, that's kinda the distance we were.

Det. Betts: Okay. So, so about a couple of arm's length? Like if you stuck your arm out and I stuck my arm out, our fingers would be touching. About that far?

Sean Pataysingh: Yes.

Det. Betts: Okay. Ah, what did he say to you right before you stabbed him?

Sean Pataysingh: [No verbal response.]

Det. Betts: Cuz somethin' set you off. I mean, did he refuse something to you? Did he call you a name? Did he tell you, fuck off, I'm not gonna give you any of your money? And what, what ... I mean, you tell me.

Sean Pataysingh: No, he was pissed that I actually even approached him about the money, period.

Det. Betts: 'kay. Like, pissed as in how dare you approach me?

Sean Pataysingh: Yeah.

Det. Betts: 'kay. Now, I, I want to be very clear. Did you owe him forty-five hundred or he owe you forty-five hundred?

Sean Pataysingh: He owed me.

Det. Betts: He owed you forty-five hundred. How long had the two of you done marijuana business? I mean, cuz I know some pe-, sometimes when, you know, people who are good at doing this ... they have people that they deal with pretty regularly because they're good. I mean, they, they always produce. They always ah, sell ... you, like you front them dope. They always find a way to pay it back pretty quickly. Was he a good customer?

Sean Pataysingh: Yeah.

Det. Betts: Okay. Did he all of a sudden just stop payin' or, or was, was this forty-five hundred dollars one, one deal? Or did this happen over a period of several deals?

Sean Pataysingh: I think it was (unintelligible) couple deals actually.

Det. Betts: Couple of deals?

Sean Pataysingh: Yeah.

Det. Betts: Okay. How long ago?

Sean Pataysingh: Ah, two years ... two, three years?

Det. Betts: Two, three years? Okay. Had you tried to collect from him in the past?

Sean Pataysingh: Yeah.

Det. Betts: Okay.

Sean Pataysingh: There was always a issue.

Det. Betts: Alright. And ...

Sean Pataysingh: And I had to do something (unintelligible) um, (unintelligible) he was gonna have me killed or some shit like that.

Det. Betts: Okay. Now when Detective Pince asked you earlier about how you heard this ah, you weren't able to produce a name or anything like that. You just kinda heard, basically, through the grapevine. I want to be able to give you all the benefit of the doubt but it's, it's difficult for us to believe you if you just say, yeah, I heard it through the grapevine. I mean, do you ...

Sean Pataysingh: I have no (unintelligible) ...

Det. Betts: ... have credible sources that, who, who can come forward and say, yeah?

Sean Pataysingh: No. No.

Det. Betts: Okay. So you don't have any credible sources that you can, that we can go talk to ...

Sean Pataysingh: No.

Det. Betts: ... to verify your claim?

Sean Pataysingh: No.

Det. Betts: Because I would understand if, you know, if you were in fear for your life. Okay? But, I guess, the other part of it is, if you're in fear for your life and you saw him in the bar, I'd be ...

Sean Pataysingh: (Unintelligible.)

Det. Betts: I'd be goin' out the other door. I wouldn't be caught talkin' to this guy. So it doesn't sound to me, to me like you were in fear for your life. You're tryin' to collect from him. Eh, is that about right?

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. So you're not afraid of him. Are you?

Sean Pataysingh: No, sir.

Det. Betts: Pardon?

Sean Pataysingh: No.

Det. Betts: Okay. Ah, do you regret what happened tonight?

Sean Pataysingh: Yeah.

Det. Betts: Why?

Sean Pataysingh: A hell of a lot.

Det. Betts: Why?

Sean Pataysingh: Cuz all the accusations and everything like that. It was just building up, building up, building up.

Det. Betts: You frustrated?

Sean Pataysingh: Yeah. Basically, it was a frustrating act.

Det. Betts: How'd you like ...

Sean Pataysingh: (Unintelligible.) And I don't, I don't ...

Det. Betts: ... how'd you like (unintelligible)?

Sean Pataysingh: I don't, I usually don't even act like that.

Det. Betts: Yeah. How was your life goin' before tonight?

Sean Pataysingh: My, I just started back with my music and tryin' to find ev-, all my music and everything like that. I was just tryin' to get my music together, go see my grandparents and do, see my kid.

Det. Betts: Right. Where's your kid?

Sean Pataysingh: My kid's down in Florida.

Det. Betts: Florida? Where?

Sean Pataysingh: Miami.

Det. Betts: Miami, huh?

Sean Pataysingh: Yeah.

Det. Betts: Is that where you're from originally?

Sean Pataysingh: No, I'm from New York.

Det. Betts: New York?

Sean Pataysingh: Yeah.

Det. Betts: Okay. Um, what did ah, what did this man say after ah, after your altercation with him? Or do you remember him saying anything at all?

Sean Pataysingh: No.

Det. Betts: You don't remember or you didn't hear anything?

Sean Pataysingh: No.

Det. Betts: Okay. Detective Pince?

Det. Pince: You're outside. Did you have the knife out of the pocket before you went outside or after you got outside?

Sean Pataysingh: A while before I was outside.

Det. Pince: So you had it out in your hand while you were ...

Sean Pataysingh: I had ...

Det. Pince: ... still in the bar?

Sean Pataysingh: No, I had it in my pocket.

Det. Pince: Okay.

Sean Pataysingh: So.

Det. Pince: Okay. Um, did you take the knife with you into the bar?

Sean Pataysingh: Yeah.

Det. Pince: N'kay.

Sean Pataysingh: Mm hm (affirmative response).

Det. Pince: So this is a knife you had previous before you arrived at the bar?

Sean Pataysingh: Yeah.

Det. Pince: 'kay. What kind of knife is it?

Sean Pataysingh: It's a steak knife.

Det. Pince: 'kay. What color?

Sean Pataysingh: I think brown.

Det. Pince: 'kay.

Sean Pataysingh: Brown handle.

Det. Pince: (Unintelligible) and, and ...

Sean Pataysingh: (Unintelligible.)

Det. Pince: Okay.

Sean Pataysingh: Yeah.

Det. Pince: So it's a pretty typical steak knife?

Sean Pataysingh: Yeah.

Det. Pince: Okay.

Sean Pataysingh: Well, I know it ... to be honest, I thought I was gonna get jumped like by these guys.

Det. Betts: But you told me earlier you didn't know he was there.

Sean Pataysingh: Well, I did not know he was there.

Det. Betts: Okay. So ...

Sean Pataysingh: But when I, when I, when I saw him I went straight to the other side of the bar and I was walking outside. I told him (unintelligible) let's talk outside. Then he brought his friends with him outside. So it was just a quick haste thing. Till he ...

Det. Betts: Okay. Is that something the witness is also going to verify?

Sean Pataysingh: I don't know what he's gonna say.

Det. Betts: Cuz it doesn't sound, cuz it sounds like your story's startin' to change a little bit here. I mean, if, if you made a bad decision, and you went out there and you tried to collect from this guy and you tried to strong-arm him that, and it went bad, then tell the truth. Okay? But don't start adding things to this when it's not, it's not very clearly thought out.

Sean Pataysingh: Mm hm (affirmative response).

Det. Betts: You're, it's, you're tryin' to think on your feet here and it's not workin' out.

Sean Pataysingh: Mm.

Det. Betts: Okay. So did he have a couple of henchmen with him or not?

Sean Pataysingh: He had some people with him.

Det. Betts: Did he take them outside with him?

Sean Pataysingh: I don't know if they was outside but I ...

Det. Betts: Well, you were out there twelve to fifteen minutes. You woulda known, right?

Sean Pataysingh: Yeah.

Det. Betts: Okay. And if you're havin' an altercation with this guy, these people prob'ly would have jumped in. Right?

Sean Pataysingh: Yes.

Det. Betts: So they weren't outside, were they?

Sean Pataysingh: No.

Det. Betts: So you weren't in fear for your safety from anybody else outside, were you?

Sean Pataysingh: No, sir. I mean, that's about it for anything.

Det. Betts: Cuz you're the one who had the knife. And you had it out in front of you while you're talkin' to him and he didn't have a weapon in his hand. Right?

Sean Pataysingh: Yes, sir.

Det. Betts: Pardon? You're, you're talkin' into your hands. I can't hear you.

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. And you're tryin' to collect forty-five hundred dollars with a knife in your hand? Okay? So it doesn't sound to me like you're afraid of him.

Sean Pataysingh: That's why I said it was a hasty ...

Det. Betts: Yeah, you made a bad decision. I'll grant you that. I'll grant you that. You made a bad decision. Okay. But let's not try to add things to this and make it worse.

Det. Pince: Ah, Sean, when you stuck the knife in him, what were you trying to do?

Sean Pataysingh: Not to kill him or anything like that.

Det. Pince: You weren't trying to kill him?

Sean Pataysingh: No.

Det. Pince: 'kay. What, were, were, were you trying to get his attention? Were you letting him know that you were pissed off and wanted your money? What, what was in your mind?

Sean Pataysingh: Yeah. Basically, basically that. I was pissed off.

Det. Pince: You were pissed off and you wanted your money?

Sean Pataysingh: Yes, sir.

Det. Pince: And he wasn't gonna give it to you so you stuck the knife in him?

Sean Pataysingh: Yes, sir.

Det. Betts: I'm sorry?

Sean Pataysingh: Yes, sir.

Det. Betts: Okay. Yeah, I'm sorry for having you repeat things ...

Sean Pataysingh: I understand.

Det. Betts: ... but my hearing isn't the best.

Sean Pataysingh: I understand.

Det. Betts: Ha ha. So the emotion that's running through you at that time ... at that moment in time ... is anger? Is that correct?

Sean Pataysingh: Yes, sir.

Det. Pince: And again, have you had any previous confrontations with this guy?

Sean Pataysingh: No.

Det. Pince: 'kay. Anything else?

Det. Betts: No.

Det. Pince: 'kay. Sean, is there anything else that you want to add to this statement?

Sean Pataysingh: No, sir.

Det. Pince: Is it true that the facts stated on this tape are true and correct to the best of your knowledge and that your statement has been made freely, voluntarily, and without threats or promises of any kind?

Sean Pataysingh: Yes, sir.

Det. Pince: Do you certify or declare under penalty of perjury under the laws of the state of Washington that this statement is true and correct?

Sean Pataysingh: Yes, sir.

Det. Pince: Would you please sign the form on the line indicated? The time is now 2207 hours and that concludes this statement.

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

STATE OF WASHINGTON)	
)	
Respondent,)	
)	
v.)	COA NO. 72048-1-I
)	
SEAN PATAYSINGH,)	
)	
Appellant.)	

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 3RD DAY OF DECEMBER 2014, I CAUSED A TRUE AND CORRECT COPY OF THE **BRIEF OF APPELLANT** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL AND/OR VIA EMAIL.

- [X] SNOHOMISH COUNTY PROSECUTOR'S OFFICE
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Diane.Kremenich@co.snohomish.wa.us

- [X] SEAN PATAYSINGH
DOC NO. 339631
WASHINGTON STATE PENITENTIARY
1313 N. 13TH AVENUE
WALLA WALLA, WA 99362

SIGNED IN SEATTLE WASHINGTON, THIS 3RD DAY OF DECEMBER 2014.

X *Patrick Mayovsky*

RECEIVED
DEC 3 11 19 25
COURT OF APPEALS
DIVISION ONE